

North Canton City Council
Community and Economic Development Committee

ORDINANCE 55 - 2020

An ordinance establishing a Designated Outdoor Refreshment Area (DORA) in the City of North Canton under Ohio Revised Code (ORC) Section 4301.82, approving related Safety and Sanitation plans, and providing for oversight and review.

WHEREAS, the Director of Administration, on September 17, 2020, filed with the Office of City Council an application for the establishment of a Designated Outdoor Refreshment Area (DORA), and

WHEREAS, notice of the receipt of such application was published by the Office of City Council in the Canton Repository, a newspaper of general circulation, on September 26, 2020 and October 3, 2020 in accordance with ORC 4301.82(C), and

WHEREAS, notice of this action before Council was published by the Office of City Council in the Canton Repository, a newspaper of general circulation, on September 27, 2020 and October 4, 2020 in accordance with ORC 4301.82(F)(2), and

WHEREAS, the City seeks to use a DORA designation in a portion of the downtown business district to enhance commerce, improve the economic climate, create employment opportunities, and build an identity within the district.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That a Designated Outdoor Refreshment Area (DORA) as defined under Ohio Revised Code (ORC) Section 4301.82 be, and is hereby, established in the City of North Canton as depicted in the map attached hereto and incorporated herein as "Exhibit "A" encompassing not fewer than four (4) qualified permit holders.
- Section 2. That the boundaries of the DORA shall be designated by signs denoting the existence, boundaries, and limitations of the DORA to be placed at such locations as marked in "Exhibit A" attached hereto and incorporated herein.
- Section 3. That for the purposes of this ordinance "qualified permit holder" shall have the same meaning as defined in ORC 4301.82(A) or its successor provisions.
- Section 4. That within the established DORA a person may have in the person's possession one (1) open container of beer, wine, or other intoxicating liquor at an outdoor location within the DORA provided the open container of beer, wine, or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:
 - a. The permit holder's premises are located within the DORA; and
 - b. The permit held by the permit holder has been issued an outdoor refreshment area designation by the Ohio Division of Liquor Control.
- Section 5. That within the DORA no person shall do any of the following:
 - a. Enter the premises of an establishment of a qualified permit holder within the DORA while possessing an open container of beer, wine, or other intoxicating liquor acquired elsewhere;
 - b. Possess an open container of beer, wine, or intoxicating liquor while being in or on a motor vehicle within the DORA, unless the possession is otherwise authorized under Division (D) or (E) of ORC Section 4301.62;
 - c. Remove any open container of beer, wine, or intoxicating liquor from within the DORA, as established by this ordinance.
- Section 6. That within the DORA beer, wine, and intoxicating liquor shall only be served and consumed in the plastic cups, or other specially designated plastic containers produced and provided by the City.
 - a. The Official DORA Cup shall be designed and distributed by the Director of Administration and shall be distinctly marked with a clear DORA logo.

- b. The Director of Administration shall provide each qualified permit holder Official DORA Cups in lots of at least 500 units and may charge such fees as are necessary to reimburse the City for the costs of producing the cups and additional fees of up to 10% of the cost of producing the cups with proceeds from such additional fees to go exclusively towards the offsetting of costs incurred by the City for the administration of the DORA.
- c. If changes are made to the Official DORA Cup, the Director of Administration shall notify all qualified permit holders of such changes at least 90 days prior to such changes taking effect.

Section 7. That the hours of operation for the DORA will be Wednesday through Saturday 11:00 AM to 10:00 PM and such other special dates as may be designated by the Mayor.

Section 8. That City Council reserves the right to temporarily suspend all DORA operations, by vote of Council, for a period not to exceed seven (7) days in order to accommodate the permitting of special events that may occur within the boundaries of the DORA. Organizations desiring to hold a special event within the DORA must complete and submit a special events application to the Department of Administration not less than 90 days before the date of the event.

Section 9. That the City of North Canton DORA Safety Plan be, and is hereby, approved as attached hereto and incorporated herein as "Exhibit B".

Section 10. That the City of North Canton DORA Sanitation Plan be, and is hereby, approved as attached hereto and incorporated herein as "Exhibit C".

Section 11. That the Director of Administration be, and is hereby, authorized to amend the North Canton DORA Safety or Sanitation Plans provided notice of such changes is given to City Council at least fourteen (14) days prior to such changes taking effect.

Section 12. That beginning in 2025, and every fifth year thereafter City Council shall review the operation of the DORA and, by ordinance, either approve the continued operation of the area or dissolve the DORA. Notice of such proposed action shall be published in a newspaper of general circulation once a week for two consecutive weeks prior to its adoption by Council.

Section 13. That City Council may at any time, by ordinance, dissolve all or part of the DORA provided that notice of such proposed action is published in a newspaper of general circulation once a week for two consecutive weeks prior to its adoption by Council.

Section 14. That whosoever violates the provisions of Sections 4, 5, 6, 7, or 8 of this ordinance shall be guilty of a minor misdemeanor.

Section 15. That the Clerk of Council be, and is hereby instructed, to provide notice to the Ohio Division of Liquor Control and the Investigative Unit of the Ohio Department of Public Safety of the establishment of the DORA and of the public health and safety requirements established herein.

Section 16. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 17. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

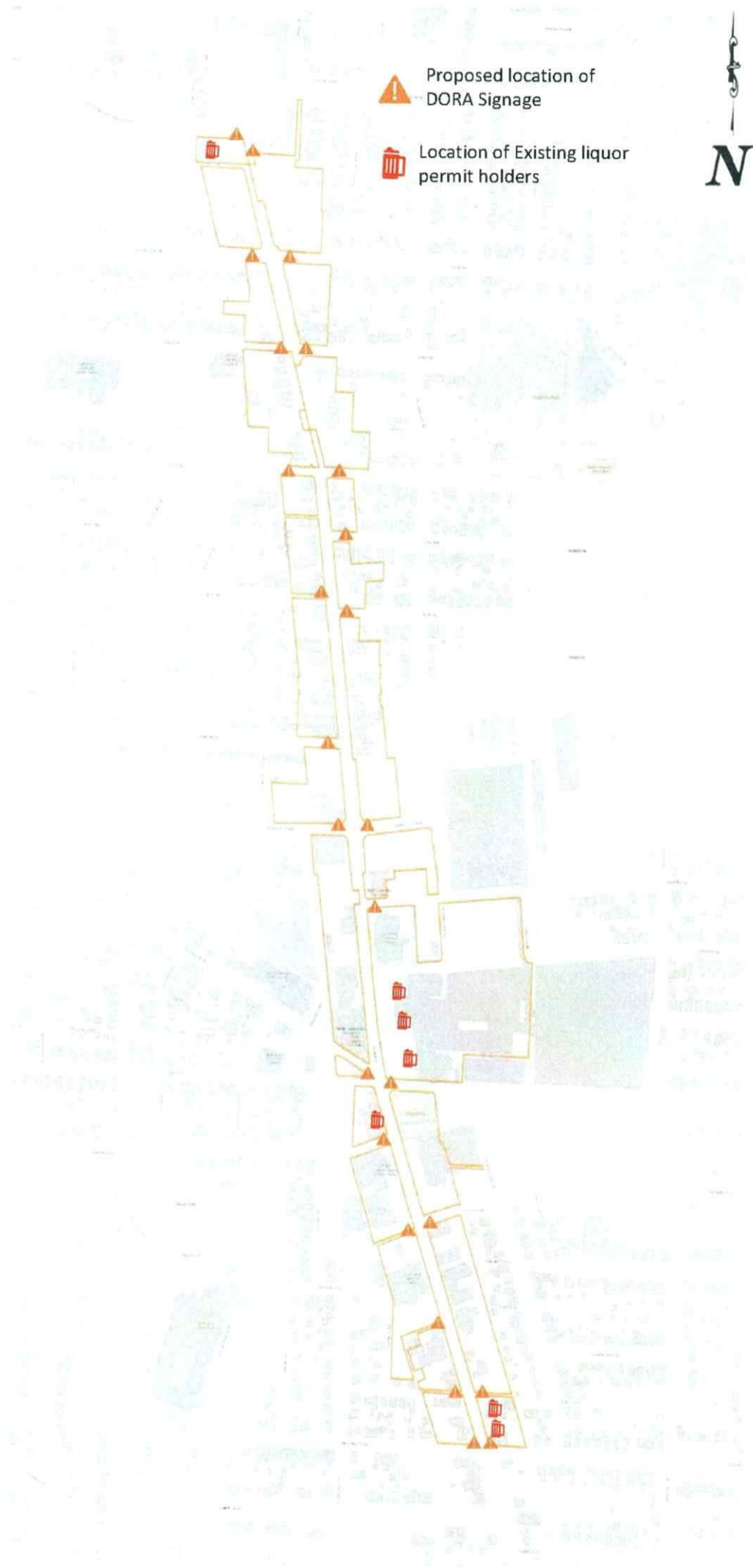
Passed in Council this 25th day of November 2020.

Attest: Benjamin R. Young
Benjamin R. Young, Clerk of Council

Stephan B. Wilder
Stephan B. Wilder, Mayor

Signed on: 30 November 2020

Exhibit A: Map of North Canton Designated Outdoor Refreshment Area (DORA)



City of North Canton DORA Safety Plan.

The Safety Plan will help maintain public safety within the City of North Canton DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) and designate the number of personnel needed to execute the Safety Plan. This will be accomplished in the following manner:

Current Public Safety personnel are adequate to maintain public safety within the DESIGNATED OUTDOOR REFRESHMENT AREA (DORA). The City of North Canton Police Department (NCPD) has multiple resources which will enable it to maintain public safety within the DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) to include the downtown core business district and main street business district. NCPD has the flexibility when deploying resources and has demonstrated experience managing large crowds throughout the year.

Law Enforcement Staffing in the DORA would consist of:

1. NCPD has permanently assigned patrol officers to the road division 24 hours a day, 7 days a week. In addition, NCPD has two (2) intermediate shifts for extra patrol coverage from 11:00am to 3:00am or an additional sixteen (16) hours a day Tuesday through Sunday morning. The regularly scheduled NCPD officer(s) will be patrolling the DORA as it is within their assigned patrol responsibility.
2. To help supplement the regular scheduled NCPD officers on peak weekdays and/or weekends, extra dedicated NCPD Officers will be assigned either by the City of North Canton and/or NCPD Officers will be contracted for service through the City by liquor permit businesses within the DORA who shall pay to the City the full cost for providing the extra duty officer(s). The contracted officer('s) primary responsibility will be within the DORA.

Beginning with the commencement of the DORA continuing for a period of six (6) consecutive months, the Director of Administration of the City of North Canton (the Director), and the Chief of Police of the City of North Canton (the Chief) shall meet monthly and review the Safety Plan herein for the purpose of determining whether updates, modifications, or supplementation may be advisable or required. In the event, the Director and the Chief determine the Safety Plan should be changed, such changes shall be presented to Council for consideration and implementation. The Director and the Chief shall meet and review the Safety Plan as needed for any special events within the DORA or as other circumstances may require.

The Director and the Chief have determined that the Safety Plan described herein is sufficient to maintain public safety within the DORA. This Safety Plan can be executed with the existing personnel of the City of North Canton.

Key Personnel: Patrick A. De Orio, Director of Administration, City of North Canton
Frank Kemp, Jr., Chief of Police, City of North Canton

City of North Canton DORA Sanitation Plan.

The Sanitation Plan will help maintain the appearance and public health of the DORA.

1. Rubbish, garbage, and other materials shall not be stored or allowed to accumulate in passageways, doorways, streets, or any areas of the DORA.
2. There are currently 0 trash receptacles located in the proposed outdoor refreshment area. The department of Administration plans to initially place 20 trash receptacles. If extra trash receptacles are determined necessary for a special event they shall be provided, serviced, and emptied by the event sponsor.
3. The Director of Administration (the Director) or his/her designee shall establish a pickup and disposal schedule for refuse so that the DORA is maintained in a clean and safe manner. Ongoing evaluation of additional services will be monitored, as necessary.
4. Trash receptacles may be moved, and additional trash receptacles may be added within the DORA at the discretion of the Director. Upon approval of the Director additional receptacles may be added by the city or any qualified permit holder, and the servicing of such receptacles shall remain the responsibility of the installing entity.
5. Each qualified permit holder located within the DORA shall be responsible for the collection of litter and trash near or around the premises occupied by the permit holder, both private areas and public areas.
6. The Director, with input from Superintendent of Street & Sewer, shall evaluate the need and frequency of street sweeping and servicing trash receptacles, and, if needed or advisable, implement changes or modifications to the sanitation plan from the commencement of the DORA until the dissolution of the DORA.
7. The Director, with input from Superintendent of Street & Sewer, has determined that the Sanitation Plan described herein is sufficient to help maintain the appearance and public health within the DORA. This Sanitation Plan can be executed with the existing personnel of the City of North Canton.

Key Personnel: Patrick A. De Orio, Director of Administration, City of North Canton
Mike Battershell, Superintendent of Street & Sewer, City of North Canton